

In re Application of: Lior BAUSSE
Serial No.: 10/516,926
Filed: July 14, 2005
Office Action Mailing Date: August 10, 2007

Examiner: Marcos L. Torres
Group Art Unit: 2617
Attorney Docket: 37160
(prev.: 340/04299)

REMARKS

Reconsideration of the above-identified application in view of the amendments above and the remarks following is respectfully requested.

Claims 1-23 and 25-49 are in this Application.

Claims 1 and 43 are independent.

Claim 43 is rejected under 35 U.S.C. § 102.

Claims 1-23, 25-42, 44-49 are rejected under 35 U.S.C. § 103.

Claim 24 has been canceled in a previous response.

With the present response:

Claims 12, 18, 19, 47, and 43-46 are cancelled; claims 50-62 are added; and claim 1 is amended.

The amendment in claim 1 is a cosmetic amendment, which is made to improve clarity, and does not change the scope of the claim.

Claims 12, 18, 19, and 47 are cancelled because they are redundant with claim 1.

Claims 43-46 are cancelled to expedite examination, and Applicant reserves the right to pursue prosecuting them in a continuing application.

35 U.S.C. § 102 Rejections

Claim 43 is rejected under 35 U.S.C. Section 102(e). Claim 43 is cancelled herewith, therefore the rejection is moot.

35 U.S.C. § 103 Rejections

Independent claim 1

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Independent claim 1 stands rejected under 35 U.S.C. Section 103(a) as being unpatentable over Desch (US 6,078,260) in view of Katsuno (US 7,085,577). Applicant respectfully traverses.

The claim contains a limitation that "the at least one first and at least one second unit comprise non-telephony circuitry that enable the first and second units to exchange data over a non-telephony channel responsive to the display generated by the controller, which data enables communication with the given first unit via conventional cell phone telephony."

The Examiner admits that Desch does not disclose this limitation, but states that "it would have been obvious to one of the ordinary skill in the art at the time of the invention to add cell phone technology for the simple purpose of permitting voice communication between the devices".

Applicant respectfully submits that permitting voice communication between the devices could not motivate a skilled person to incorporate the above-mentioned limitation into Desch' device, that a skilled person had no reason to do so, and that doing so would be against common sense.

Desch discusses apparatus for monitoring the proximity and location of a child by a parent (see abstract). There is no need to exchange data between the child's unit and the parent's unit, to enable them to communicate with each other via conventional cell phone telephony. If indeed, telephony is added to Desch' device as the Examiner suggests, it is much more sensible that the parent unit and the child's unit have in advance every data required for communicating between them, at least like any other two persons that know each other and wish to talk with each other via cell telephony. There is no need to exchange such data through non-telephony channel.

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Furthermore, the Examiner does not provide any motivation for modifying Desch so as to have "the first and second units to exchange data over a non-telephony channel *responsive to the display*" [emphasis added]. In Katsuno, the user defines the device to communicate with according to the device location, but in Desch the location of the child unit is irrelevant to the parent wish to communicate with the child. Even if it made sense to exchange data between the parent and child units via non-telephony channel, which is traversed as discussed above, there could be no sense in doing so responsive to the display.

At least for these reasons, Applicant submits, that a person of ordinary skill had no reason to include the above-mentioned limitation in Desch' device even if it would have been obvious to add to it cell phone technology, as the Examiner suggests.

Thus, Applicant respectfully submits that the Examiner has not set forth a *prima facie* case of obviousness.

The dependent claims

Claims 44-46 are cancelled herewith, and therefore, the rejections against them are moot.

Claims 2-23, 25-42, and 47-49 all depend, directly or indirectly on claim 1, the patentability of which discussed above. Thus, these claims are patentable at least for the virtue of being dependent on a patentable base claim.

Nevertheless, Applicant wishes to discuss the patentability of some of them over that of the base-claim.

Claim 36

Claim 36 contains the limitation that "a location of the icon on the radar screen corresponds to a location of the first unit relative to the *orientation* of the second unit". [Emphasis added]

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The Examiner admits that Desch does not disclose this limitation, but states that Tachikawa discloses it, and that it would have been obvious to combine these teachings "to make easy to find one or more units". The Examiner refers to Figs. 4-9 of Tachikawa.

Applicant respectfully traverses, and submits that the limitation is not disclosed in Tachikawa, and that there is no sense combining Tachikawa's screen with Desch' device.

Applicant respectfully contends that Tachikawa does not disclose "a location of the icon on the radar screen corresponds to a location of the first unit relative to the *orientation* of the second unit".

Tachikawa discloses an icon displayed on a map, irrespective of the orientation of the first unit. For instance, no matter where the first unit is heading, the map displayed on Tachikawa's screen would look the same. Tachikawa's map may display locations of other units in relation to the *location* of the first unit, but not in relation to the *orientation* of the first unit.

Also, there is no reason to replace the four-directional arrow 202 of Desch with a the map of Tachikawa, since replacing the arrows Desch provides with Tachikawa's map does not provide any added value to the parent who is looking after his child in the crowd. While the arrows *directly* indicate in which direction the parent should head to find the child; the map provides only an *indirect* indication, which requires using a compass. Thus, Tachikawa's map is actually less convenient than the arrows provided by Desch, so the suggested combination would make Desch's device less suitable for its intended use, and is against the common sense of a person of ordinary skill in the art.

In summary, Applicant respectfully submits that there is no reason for a skilled person to combine the cited references as the Examiner suggests, and that even if combined, they do not yield the claimed invention, since not all the claim limitations are disclosed in the cited references.

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Therefore, Applicant respectfully submits that no *prima facie* case of obviousness has been set forth against claim 38.

Claims 40-42

Claim 40 includes the limitation that "a second unit of the at least one second unit has an effective maximum range less than or equal to 200 meters for receiving an RB signal transmitted by a first unit that can be used to determine an azimuth for the first unit."

In claims 41 and 42 the range "200 meters" is replaced with "100 meters" and "50 meters", respectively.

The Examiner states that Desch discloses these limitations. With all due respect, Applicants must contend that this is not the case.

The Examiner refers to col. 4, lines 24-27, as the place where the alleged disclosure may be found. These lines (and the following 4 ones) read as follows:

"Additionally, the control device 207 can be used to adjust the range within which the child unit 101 should stay. For example, the control device 207 may be used to specify a range of five, ten, 15, 50 or more yards. When the parent unit 201 determines, based on the signal received from the child unit 101 that the child unit 101 is not within the range set by the control device 207, the parent unit 201 will generate an alert to notify the person wearing the parent unit 201".

Clearly, the ranges disclosed by Desch are *minimal*, while the claim recites maximal range. According to Decsh, if the child is outside the minimal range, the parent device is notified. In fact, for Desch device to operate properly, the parent device must receive a signal from the child's device when the child's device is out of the permitted range. If Desch' device operated as the Examiner implies, the poor

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parent could not use the device for finding his child, when the child was out of the permitted range.

Thus, Applicant respectfully submits that each of claims 40-42 is patentable independently of claim 1.

The Examiner also stated that "one of the ordinary skill in the art at the time of invention will know that the working range of device is directly proportional to the transmitting power level and will adjust the transmitting power level in conformance with the FCC statutes". Applicant agrees. However, Applicant respectfully submits that adjusting the transmitting power level in conformance with the FCC statutes is nothing like having "an effective maximum range less than or equal to 200 meters" as claimed in claim 40, surely not an effective maximum range less than or equal to 50 meters, as claimed in claim 42. In fact, this statement of the Examiner is an admission that the common knowledge of a skilled person teaches away of the claims.

Thus, Applicant respectfully submits, that no *prima facie* case of obviousness has been set forth against any of claims 40 – 42.

It is noted that claims 40-42 are rejected in view of a combination of Desch, Katsuno, and Donath. However, since the Examiner did not explain the role of Donath in the rejection, Applicant does not discuss it either.

The new claims

New claims 50 to 62 are added to particularly claim several embodiments and aspects of the invention.

New dependent claim 50 is similar to claim 36, discussed above, but without the limitation of a radar screen, which is not essential for patentability.

New independent claim 51 is a similar to original claim 36, written in independent form, and is patentable over the cited art at least in virtue of the limitation that the system is "configured to generate a display on the display screen responsive to the location of the given first unit *in relation to the orientation of the second unit.*" This limitation was discussed above in the discussion of claim 36.

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Claim 52 is a new claim, depending on new claim 51, wherein "said display changes responsive to rotation of the second unit." This claim is supported on the last lines of paragraph [0073] of the application as published, where it is disclosed that "Mirror image RB phones may be distinguished by operator 20 rotating his phone about axis 28 (FIG. 1). The RB phones at 12 and 2 o'clock will move right and the RB phones at 4 and 6 o'clock will move left".

Claims 53 – 55 are based on claims 40-42, discussed above, but depend on claim 51, rather than on claim 1.

Claim 61 is a new method claim, claiming an aspect of the present invention. This claim is supported at least on the passages going from page 7 line 28 to page 10 line 23 of the application. None of the cited prior art describes a similar method.

Claim 62 is a new independent method claim, containing the limitation that "an operator of the second unit can match the display on the display screen with objects in his field of view". This claim is supported at least on the passages going from page 7 line 28 to page 10 line 23 of the application. None of the cited prior art describes a similar system.

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In view of the above amendments and remarks it is respectfully submitted that claims 1-23, 25-42, and 48-62 are now in condition for allowance. A prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,



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Date: February 8, 2007

Encl.:

Petition for Extension of Time (3 Months)
RCE